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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,133	10/20/2003	Jeffrey Aaron	030303 (BLL-0113)	2780
36192 7590 12/07/2009 AT&T Legal Department - CC Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921				
EXAMINER				
SHAH, AMEE A				
ART UNIT		PAPER NUMBER		
3625				
MAIL DATE		DELIVERY MODE		
12/07/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/689,133

Applicant(s)

AARON ET AL.

Examiner

AMEE A. SHAH

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1, 3-10, 12-14, 16-20 and 22-24 are pending in this action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 25, 2009, has been entered.

Specification

The use of the trademarks MICROSOFT OUTLOOK and ACTIVEX has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. §103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. §103(c) and potential 35 U.S.C. §102(c), (f) or (g) prior art under 35 U.S.C. §103(a).

Claims 1, 6, 7, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al., US 2002/0046093 A1, previously cited (hereafter referred to as “Miller”) in view of Farnham et al., US 2003/0158855 A1 (hereafter referred to as “Farnham”) and further in view of Lucas, US 2001/0051905 A1, previously cited (hereafter referred to as “Lucas”).

Referring to claim 1, Miller teaches a method for automating recurrent electronic transactions conducted over a network, comprising:

- gathering, by a purchasing system, data from an application executing on a computer device in response to electronic activities conducted by a network user of the computer device (¶¶0131 and 0251 - note that the system of the invention gathers from the web browser, i.e. an application executing on a computer device, the user's activities on the site, i.e. in response to electronic activities conducted by the network user of the computer device from an application

executing on the computer device, i.e. the web browser); the electronic activities subject to the gathering comprising accessing a web site, performing a detectable user action on a web page, and searching a web-based electronic search engine wherein the data gathering includes data collected in response to each of the electronic activities conducted by the network user (§§0131 and 0191);

- performing, via the purchasing system, analysis of the electronic activities (§§0131, 0132 and 0191); and

- the purchasing system inferring an intent to execute a transaction by said network user without any explicit action by the user to execute the transaction (§§00126-00131 - note that the system analyzes the user history to give product information and promotions based on an inferred intent to purchase a particular product in the future without the user explicitly requesting information on that particular product);

- wherein the analysis includes:

- comparing the electronic activities with previously-conducted electronic activities by the network user (§§0132-0134 and 0192); and

- applying user-defined policies to the electronic activities (§§0159 and 0163 – note the user-defined policies are the requirements for product attributes and vendors).

While Miller teaches that the activities subject to gathering comprises accessing a web site, performing actions on a web page and search a web-based search engine, it does not specifically teach gathering data on user activities comprising drafting an email, entering a new task or accessing an existing task in an electronic task folder, and creating, editing or viewing a

document. Furthermore, the examiner notes that the transitional phrase “includes” is “open-ended and does not exclude additional, unrecited elements of method steps.” (MPEP §2111.03.) As such, Miller teaches comparing the electronic activities with previously-conducted electronic activities by the network user and other users. However, the expedite prosecution, the examiner will consider applicant's arguments (Remarks of April 13, 2009), and will apply art interpreting the limitation of comparing activities as only comparing the activities with that of the network user, and not others, which Miller does not explicitly teach.

Farnham teaches a system and method for deriving associations between objects, events and the context of computer users including the known techniques of (1) gathering data on electronic activities conducted by the user comprising drafting an email entering a new task or accessing an existing task in an electronic task folder, and creating, editing or viewing a document including data collected in response to activities (e.g. ¶¶0035-0038, 0048-0050 and Table 1A) and (2) comparing the electronic activities with previously conducted electronic activities by the network user (e.g. ¶¶0057 and 0080 – note the comparing is the determination of patterns based on the stored data of user activities). These known techniques are applicable to the method of Miller as they both share characteristics and capabilities, namely they are directed to monitoring and analyzing user activity.

One of ordinary skill in the art would have recognized that applying the known techniques of Farnham would have yielded predictable results and resulted in an improved method. It would have been recognized that applying the known techniques of Farnham to the teachings of Miller would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applies shows the ability to incorporate such references

into similar methods. Further, having the electronic activities that are monitored in Miller including those activities monitored in Farnham, i.e. drafting an email, accessing folders, and editing or viewing documents, and having the analysis of Miller include comparing activities with the user's previous activities, as taught by Farnham, would have been recognized by those of ordinary skill in the art as resulting in an improved method that would allow for a better analysis of user activities to create associations to identify important objects or rank importance, as suggested by Farnham (Abstract).

While Miller teaches inferring an intent to execute a transaction, it does not specifically teach the purchasing system automatically executing the transaction on behalf of the user including executing a purchase of a service/product on behalf of the network user. Lucas teaches a system and method for monitoring inventory wherein the server electronically tracks and evaluates usage habits and automatically executes on behalf of the customer, i.e. network user, a purchase transaction for items needed (¶¶0026, 0082 and 0085-0087).

It would have been obvious to one of ordinary skill in the art of business methods at the time of the invention to include in the commerce method of Miller/Farnham the ability to automatically execute on behalf of the user the purchase transaction inferred from the user, as taught by Lucas, since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that results of the combination were predictable.

Referring to claims 6 and 7, Miller/Farnham/Lucas further teaches the method of claim 1 comprising the purchasing system generating an electronic invoice upon execution of said transaction (Miller, ¶0184 – note the shopping cart is the electronic invoice), and notifying said network user that said transaction has been completed via an email program on the computer device (Miller, ¶0235).

Referring to claims 10 and 19, all of the limitations in apparatus claims 10 and 19 are closely parallel to the limitations of method claim 1, analyzed above, and are rejected on the same bases.

Claims 3, 4, 12, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller/Farnham/Lucas, as applied to claim 1, and further in view of Praisner et al., US 2002/0174030 (hereafter referred to as “Praisner”)

Referring to claim 3, Miller/Farnham/Lucas further teaches the method of claim 1 wherein said comparing said electronic activities with previously-conducted electronic activities further comprises:

- collecting data entered by said network user (Miller, ¶0130, Farnham, ¶¶0035-0038 and Lucas, ¶¶0082 and 0085);
- parsing said data by comparing said data to data stored in a database in communication with the purchasing system that contain said previously-conducted electronic activities, said parsing resulting in a suggested electronic transaction for execution (Miller,

¶¶0131, 0132, 0191, 0192 and 0251 – note the suggested electronic transactions are the related products available for purchase, and Lucas, ¶¶0082 and 0085);

- searching said database for related resources associated with said suggested electronic transaction (Miller, ¶¶0131 and 0132 – note the related resources are the related products, and Lucas, ¶¶0082 and 0085); and

- searching a profile database in communication with the purchasing system storing policies and rules created by said network user, said policies and rules operable for specifying conditions for authorizing and executing said suggested electronic transaction (Miller, ¶¶0141, 0161-0164 and 0251);

- wherein said policies and rules include prescribing authorized vendors, suppliers, or entities through which a transaction may be entered, and specifying delivery options for items and services associated with a transaction (Miller, ¶¶0141 and 0161-0164 – note the policies and rules are prescribing certain vendors based on geographic location and specifying delivery options such as availability of delivery).

Miller/Farnham/Lucas does not teach wherein the policies and rules include placing an upper limit on an amount of money that is authorized to be spent on a transaction, and placing a time limit on when a transaction may be executed. Praisner teaches a system and method for dynamic cards subject to the application of company rules and policies including the known technique of having the policies and rules of placing an upper limit on an amount of money that is authorized to be spent on a transaction (e.g. ¶0057), and placing a time limit on when a transaction may be executed (e.g. ¶0059). This known technique is applicable to the method of

Miller/Farnham/Lucas as they all share characteristics and capabilities, namely they are directed to electronic commerce.

One of ordinary skill in the art would have recognized that applying the known technique of Praisner would have yielded predictable results and resulted in an improved method. It would have been recognized that applying the known techniques of Praisner to the teachings of Miller/Farnham/Lucas would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applies shows the ability to incorporate such references into similar methods. Further, having the rules and policies of Miller including the rules and policies of Praisner of an upper and time limits on transactions, would have been recognized by those of ordinary skill in the art as resulting in an improved method that would allow for better compliance with corporate policies.

Referring to claim 4, Miller/Farnham/Lucas/Praisner further teaches the method of claim 3 further comprising the purchasing system searching a service/product database in communication with the purchasing system to ensure said items and services associated with said transaction are available (Miller, ¶¶0155 and 0164).

Referring to claims 12, 13 and 20, all of the limitations in apparatus claims 12, 13 and 20 are closely parallel to the limitations of method claims 3 and 4, analyzed above, and are rejected on the same bases.

Claims 5, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller/Farnham/Lucas/Praisner, as applied to claims 3, 12 and 20, and further in view of Agrawal et al., 6,061,682, previously cited (hereafter referred to as “Agrawal”).

Referring to claim 5, Miller/Farnham/Lucas/Praisner teaches the method of claim 3 but does not specifically teach the purchasing system searching a service/product database in communication with the purchasing system to ensure that said items and services associated with said transaction are compatible with said transaction. Agrawal teaches a method of creating associations between products including searching databases to ensure that items and services are compatible with the transaction, i.e. product (see, e.g., col. 3, lines 25-37).

It would have been obvious to one of ordinary skill in the art of business methods at the time of the invention to combine the known elements of searching a database to ensure products are compatible, as taught by Agrawal, with the known elements of analyzing user data, parsing data and searching for suggested related products, as taught by Miller/Farnham/Lucas/Praisner, as each element would have performed the same function in combination as it did separately. One ordinary skill in the art would have recognized that the combination of Agrawal and Miller/Farnham/Lucas/Praisner would yield the predictable results of producing economic value to advertisers by providing associations that are more likely to lead to sales, as suggested by Agrawal (col. 3, lines 25-37).

Referring to claims 14 and 22, Miller/Farnham/Lucas/Praisner teaches the systems of claim 12 and 20 further comprising the purchasing system generating an electronic invoice upon

execution of said transaction (Miller, ¶0184 – note the shopping cart is the electronic invoice), and notifying said network user that said transaction has been completed via an email program on the computer device (Miller, ¶0235), but does not specifically teach the purchasing system searching a service/product database in communication with the purchasing system to ensure that said items and services associated with said transaction are compatible with said transaction. Agrawal teaches a method of creating associations between products including searching databases to ensure that items and services are compatible with the transaction, i.e. product (see, e.g., col. 3, lines 25-37).

It would have been obvious to one of ordinary skill in the art of business methods at the time of the invention to combine the known elements of searching a database to ensure products are compatible, as taught by Agrawal, with the known elements of analyzing user data, parsing data and searching for suggested related products, as taught by Miller/Farnham/Lucas/Praisner, as each element would have performed the same function in combination as it did separately. One ordinary skill in the art would have recognized that the combination of Agrawal and Miller/Farnham/Lucas/Praisner would yield the predictable results of producing economic value to advertisers by providing associations that are more likely to lead to sales, as suggested by Agrawal (col. 3, lines 25-37).

Claims 8, 9, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller/Farnham/Lucas, as applied to claim 1, and further in view of Keskar et al., US 2004/0259536 A1, previously cited (hereafter referred to as “Keskar”).

Referring to claim 8, Miller/Farnham/Lucas teaches the method of claim 1, but does not teach wherein the electronic activities conducted by the network user include accessing a personal information calendar. Keskar teaches a method and system for gathering information pertaining to the user's surroundings including the known technique of accessing personal calendar information (e.g. ¶0013). This known technique is applicable to the method of Miller/Farnham/Lucas as they all share characteristics and capabilities, namely they are directed to providing users information and facilitate shopping.

One of ordinary skill in the art would have recognized that applying the known technique of Keskar would have yielded predictable results and resulted in an improved method. It would have been recognized that applying the known technique of Keskar to the teachings of Miller/Farnham/Lucas would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applies shows the ability to incorporate such references into similar methods. Further, accessing calendar information, as taught by Keskar, as the electronic activities of Miller/Farnham/Lucas would have been recognized by those of ordinary skill in the art as resulting in an improved method that would allow for a better result between what the user is searching or desiring and the results or recommendations given.

Referring to claim 9, Miller/Farnham/Lucas/Keskar further teaches the method of claim 8 wherein the previously-conducted electronic activities include an occurrence of a meeting scheduled into the personal information calendar and including parameters comprising, a number of participants, a meeting location, a time of day, and meeting resources and materials, a web site search, an electronic purchase, an email message received or transmitted by said network user, a

calendar item generated or accessed by said network user, and a task item generated or accessed by said network user (Keskar, ¶0013 – note the parameters of the meeting include meeting location). One of ordinary skill in the art would have recognized that applying the known technique of Keskar would have yielded predictable results and resulted in an improved method for the same reasons as discussed with regards to claim 8.

Referring to claims 18 and 24, all of the limitations in apparatus claims 18 and 24 are closely parallel to the limitations of method claim 9, analyzed above and are rejected on the same bases.

Claims 16, 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller/Farnham/Lucas/Praisner, as applied to claim 14, and further in view of Official Notice, as admitted by applicant to be prior art.

Referring to claims 16 and 17, Miller/Farnham/Lucas/Praisner teaches the medium of claim 14 wherein said notification is sent via email and wherein graphical user interfaces can be used instead (Miller, ¶0279). While Miller does not explicitly teach that notification can be done using an application programming interface, it was old and well known at the time of the invention to use application programming interfaces with graphical user interfaces to send notifications. One of ordinary skill in the art would have done so for the predictable result of having a more user-friendly notice. Since applicant did not traverse the official notice in previous office actions, applicant has admitted that use of a GUI is prior art.

Referring to claim 23, all of the limitations in apparatus 23 are closely parallel to the limitations of apparatus claim 16, analyzed above, and are rejected on the same bases.

Response to Amendment

Applicant's amendment, filed September 25, 2009, has been entered. Claims 1, 3, 8, 10, 12, 16, 17, 19 and 20 have been amended and claims 2, 11, 15 and 21 have been cancelled. In view of the amendments, the rejections of claim 8 and 9 under 35 USC §112 are withdrawn.

Response to Arguments

Applicant's arguments, filed September 25, 2009, with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMEE A. SHAH whose telephone number is (571)272-8116. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amee A Shah/
Examiner, Art Unit 3625

AAS

December 4, 2009